

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

RICHARD T. MCFARLAND,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING WITHOUT
PREJUDICE DEFENDANT'S
MOTION FOR EARLY
TERMINATION OF SUPERVISED
RELEASE

Case No. 2:07-CR-403 TS

This matter is before the Court on Defendant's *pro se* Motion for Early Termination of Supervised Release.

18 U.S.C. § 3583(e) permits the Court to terminate supervised release at any time after a defendant has completed at least one year of supervised release, but prior to completion of the entire term, if the Court is satisfied that such action is (1) warranted by the conduct of an offender and (2) is in the interest of justice. In making this determination, the Court is directed to consider the factors set forth in 18 U.S.C. § 3553(a), to the extent they are applicable.

Defendant was sentenced to a two-year term of supervised release on October 30, 2008. Judgment was entered the following day. Defendant has yet to complete one year of supervised

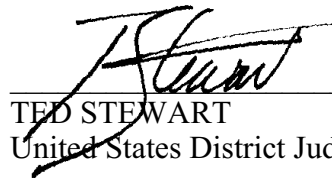
release, therefore his Motion must be denied. The Court will deny Defendant's Motion without prejudice to its re-filing after he has completed at least one year of his term of supervised release.

It is therefore

ORDERED that Defendant's Motion for Early Termination of Supervised Release (Docket No. 41) is DENIED WITHOUT PREJUDICE.

DATED October 7, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line. Below the line, the name "TED STEWART" and the title "United States District Judge" are printed in a serif font.

TED STEWART
United States District Judge